

# UNITED STATES BANKRUPTCY COURT

Western District of Texas (El Paso)

In re Ricardo Javier Castaneda, Jr.  
Debtor

Case No. 09-31411  
Chapter 13

## Notice of Mortgage Payment Change

If you file a claim secured by a security interest in the debtor's principal residence provided for under the debtor's plan pursuant to § 1322(b)(5), you must use this form to give notice of any changes in the installment payment amount. File this form as a supplement to your proof of claim at least 21 days before the new payment amount is due. See Bankruptcy Rule 3002.1.

Name of creditor: Bank of America, N.A.

Court claim no. (if known): \_\_\_\_\_

Last four digits of any number you  
use to identify the debtor's account: \_\_\_\_\_

8308

Date of payment change:

Must be at least 21 days after date of this notice

05/01/2014

New total payment:

Principal, interest, and escrow, if any

\$974.87

### Part 1: Escrow Account Payment Adjustment

Will there be a change in the debtor's escrow account payment?

☐ No

☒ Yes. Attach a copy of the escrow account statement prepared in a form consistent with applicable nonbankruptcy law.

Describe the basis for the change. If a statement is not attached, explain why:

\_\_\_\_\_

Current escrow payment: \$315.03

New escrow payment: \$360.96

### Part 2: Mortgage Payment Adjustment

Will the debtor's principal and interest payment change based on an adjustment to the interest rate in the debtor's variable-rate note?

☒ No

☐ Yes. Attach a copy of the rate change notice prepared in a form consistent with applicable nonbankruptcy law.

If a notice is not attached, explain why:

\_\_\_\_\_

Current interest rate: \_\_\_\_\_

New interest rate: \_\_\_\_\_

Current principal and interest payment: \_\_\_\_\_

New principal and interest payment: \_\_\_\_\_

### Part 3: Other Payment Change

Will there be a change in the debtor's mortgage payment for a reason not listed above?

☒ No

☐ Yes. Attach a copy of any documents describing the basis for the change, such as a repayment plan or loan modification agreement. (Court approval may be required before the payment change can take effect.)

Reason for change: \_\_\_\_\_

Current mortgage payment: \_\_\_\_\_

New mortgage payment: \_\_\_\_\_

#### Part 4: Sign Here

The person completing this Notice must sign it. Sign and print your name and your title, if any, and state your address and telephone number if different from the notice address listed on the proof of claim to which this Supplement applies.

Check the appropriate box:



I am the creditor.



I am the creditor's authorized agent.

(Attach a copy of power of attorney, if any.)

I declare under penalty of perjury that the information provided in this Notice is true and correct to the best of my knowledge, information, and reasonable belief.

X

/s/ Desiree Johnson

Date 03/12/2014

Assistant Vice President

Print: Desiree Johnson

Title Assistant Vice President

Company Bank of America, N.A.

Address 2380 Performance Drive  
Richardson, TX 75082

Specific Contact Information:

Phone: 214-209-7926

Email: desiree.johnson@bankofamerica.com

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# UNITED STATES BANKRUPTCY COURT

Western District of Texas (El Paso)

Chapter 13 No. 09-31411

Judge: Bankruptcy Judge H. Christopher Mott

In re:

Ricardo Javier Castaneda, Jr.

Debtor(s).

## CERTIFICATE OF SERVICE

I hereby certify that on March 12, 2014, I have served a copy of this Notice and all attachments to the following by U.S. Mail, postage pre paid, or via filing with the US Bankruptcy Court's CM ECF system.

Debtor: Ricardo Javier Castaneda, Jr.  
3616 East Vitex  
El Paso, TX 79936

Debtor's Attorney: Edgar J. Borrego  
Tanzy & Borrego Law Offices  
2610 Montana Ave.  
El Paso, TX 79903

Trustee: Stuart C. Cox  
El Paso Chapter 13 Trustee  
1760 N. Lee Trevino Dr.  
El Paso, TX 79936

/s/ Bill Taylor

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Authorized Agent

**Bank of America****Home Loans**

CUSTOMER SERVICE  
P.O. BOX 5170  
SIMI VALLEY, CA 93062-5170

**Statement date:** 03/04/2014**Loan No.:** [REDACTED]

RICARDO J CASTANEDA  
3616 E VITEX CIR  
EL PASO TX 79936

**Property address:**  
3616 EAST VITEX CIRCLE  
EL PASO, TX 79936

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**IMPORTANT MESSAGE ABOUT YOUR HOME LOAN**

Your escrow account was recently reviewed as part of the terms of your Chapter 13 plan and, as a result, the escrow portion of your monthly loan payment may be changing effective 05/01/2014.

Enclosed is an updated escrow analysis statement for your loan.

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**WHAT YOU NEED TO DO**

There's nothing you need to do. Please keep this notification for your records.

**QUESTIONS?**

We're pleased to serve your home loan needs. If you have any questions, please call us at 1-800-669-6607, Monday-Friday 7a.m. to 7p.m. Local Time.

We're required by law to inform you that Bank of America, N.A. is a debt collector. If you are currently in a bankruptcy proceeding or have received a discharge of the debt referenced above, this notice is for informational purposes only and is not an attempt to collect a debt or demand a payment. If you are represented by an attorney, please provide this notice to your attorney.



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**Bank of America****Home Loans**

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**Account Number** [REDACTED]**Statement Date** 03/04/2014RICARDO J CASTANEDA  
3616 EAST VITEX CIRCLE  
EL PASO, TX 79936

## ESCROW ACCOUNT REVIEW

**ESCROW EXPLAINED**

This escrow statement is being sent for **informational purposes only**. It should not be construed as an attempt to collect a debt or to modify the terms of your chapter 13 plan. Note that your chapter 13 bankruptcy plan may provide for the Trustee to pay escrow amounts outstanding on your loan as of the date you filed your bankruptcy case or may otherwise provide for the Trustee to pay amounts due to escrow.

Part of your monthly loan payment goes into an account to pay for your property taxes and insurance premiums. During the year, payments are made out of this account when bills come due. This notice describes any changes needed in your monthly payment to maintain enough money in your escrow account to pay these bills. In our step-by-step analysis, we determine the data shown below to calculate your new escrow payment.

**If this is your first escrow statement after filing your chapter 13 bankruptcy**, this escrow account review was performed as of the date you filed for bankruptcy and your new monthly escrow payment has been calculated in accordance with applicable bankruptcy law. The amount shown in the Summary section below as the New monthly home loan payment is the updated and correct amount due for the month shown. If you previously received a monthly coupon for the same due date, the payment amount below is intended to replace the coupon you previously received, as the coupon was prepared and sent before we had notice of your chapter 13 bankruptcy filing. If you're making your monthly mortgage payments under your chapter 13 plan, please pay the New monthly home loan payment amount shown below.

**If this is an annual escrow statement provided during your chapter 13 bankruptcy**, we've prepared this escrow statement to track your escrow obligations during the period when you're making payments under the terms of your chapter 13 plan.

**If you have filed a chapter 13 plan that provides for maintaining your home**, our step-by-step analysis is based on the assumption that you will be making your chapter 13 plan payments, including plan payments to cure amounts due from the period before your bankruptcy filing or otherwise due under your chapter 13 plan. If you're unable to complete your plan payments and your case is dismissed, converted to a chapter 7, or the automatic stay is lifted, then your monthly escrow payment will need to be recalculated to account for the cure amounts still due from the period before your bankruptcy filing or otherwise due under your chapter 13 plan.

See below for:

- an in-depth explanation of each step of your escrow analysis
- side-by-side comparison of last year's projected and actual data

**SUMMARY**

Base amount needed (see Step 1)	The expected monthly amount needed to pay your property taxes and insurance premiums	\$334.52
Shortage payment (see Step 2)	<b>The monthly amount you must pay into your escrow account to keep the balance from falling below zero during the year</b>	\$26.44
Reserve requirement (see Step 3)	The monthly amount allowed by federal law for unexpected tax and insurance increases and other costs	\$0.00
<b>New monthly escrow payment (see Step 4)</b>		<b>\$360.96</b>
<b>New monthly home loan payment effective 05/2014 (see Step 4)</b>		<b>\$974.87</b>

In future escrow analyses, Bank of America, N.A., reserves the right to assess the amount allowed by federal law for unexpected tax and insurance increases and other costs.

**PAYMENT INSTRUCTIONS**

- Please
  - don't send cash
  - don't staple the check to the payment coupon
  - don't include correspondence
  - include coupon with payment
- Write your account number on the check or money order.
- Write any additional amounts you are including.
- Make your check payable to Bank of America, N.A.  
Attn: Remittance Processing  
PO BOX 650070  
DALLAS TX 75265-0070

Account Number: [REDACTED]

RICARDO J CASTANEDA  
3616 EAST VITEX CIRCLE  
EL PASO, TX 79936Bank of America, N.A.  
PO BOX 650070  
DALLAS TX 75265-0070(2) **Escrow shortage Due May 1, 2014 \$317.23**

N/A

N/A

Check total



**Bank of America****Home Loans**

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**Account Number** [REDACTED]**Statement Date** 03/04/2014RICARDO J CASTANEDA  
3616 EAST VITEX CIRCLE  
EL PASO, TX 79936**HOW WE CALCULATE YOUR ESCROW PAYMENT****STEP 1 Determine base amount needed for the year**

<i>Escrow items</i>	<i>Amount needed</i>	<i>Frequency in months</i>	<i>Monthly amount needed</i>
Homeowners insurance	\$842.70	12	\$70.23
County taxes	2,756.40	12	229.70
FHA MIP	34.59	1	34.59
<b>Total monthly base payment amount</b>			<b>\$334.52</b>

**STEP 2 Determine lowest projected balance**

In the chart located below, we project the amounts you will pay into your escrow account next year and the amounts we will pay out for your insurance and tax bills. Remember, these figures are only projections and may not reflect the actual payments made at the time they are due.

<i>Month</i>	<i>Escrow deposit(s)</i>	<i>Tax payment(s)</i>	<i>Insurance payment(s)</i>	<i>MIP/PMI payment(s)</i>	<i>Balance</i>
Post Petition Beginning Balance					\$882.43
May 2014	334.52		842.70	34.59	339.66
June 2014	334.52			34.59	639.59
July 2014	334.52			34.59	939.52
August 2014	334.52			34.59	1,239.45
September 2014	334.52			34.59	1,539.38
October 2014	334.52			34.59	1,839.31
November 2014	334.52			34.59	2,139.24
December 2014	334.52	2,756.40		34.59	-317.23 *
January 2015	334.52			34.59	-17.30
February 2015	334.52			34.59	282.63
March 2015	334.52			34.59	582.56
April 2015	334.52			34.59	882.49
Post Petition Ending Balance					\$882.49

**Lowest projected balance** **-\$317.23****Shortage payment amount** **\$26.44**

The Post-Petition Beginning and Ending balances above are projected balances, which assume that all payments due under your chapter 13 bankruptcy plan will be made, including your regularly scheduled mortgage payments due after the bankruptcy filing and all plan payments to cure amounts due from the period before your bankruptcy filing or otherwise due under your chapter 13 plan.

At the time of analysis, Bank of America, N.A. assumes that all scheduled mortgage payments will be made to the effective date of your new payment.

You, of course, have the option to pay your anticipated shortage in full. (See Step 4 for more information.)

**STEP 3 Determine reserve requirement**

Federal law allows for the collection of a reserve amount to maintain a cushion for unexpected tax and/or insurance increases and other costs.

The reserve used for this period is shown below.

Lowest projected balance (see Step 2 above)	-\$317.23
Total reserve requirement (.0% of the base amount) *	\$0.00
Additional amounts required	.00

E-mail use: Providing your e-mail address below will allow us to send you information on your account.

Account Number: [REDACTED]

E-mail use: Providing your e-mail address below will allow us to send you information on your account

RICARDO J CASTANEDA

E-mail address

**How we post your payments:** All accepted payments of principal and interest will be applied to the longest outstanding installment due, unless otherwise expressly prohibited or limited by law. If you submit an amount in addition to your scheduled monthly amount, we will apply your payments as follows: (1) to outstanding monthly payments of principal and interest, (2) escrow deficiencies, (3) late charges and other amounts you owe in connection with your loan and (4) to reduce the outstanding principal balance of your loan. Please specify if you want an additional amount applied to future payments, rather than principal reduction.

**Postdated checks:** Postdated checks will be processed on the date received unless a loan counselor agrees to honor the date written on the check as a condition of a repayment plan.

E-mail address

**Bank of America****Home Loans**

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**Account Number** [REDACTED]**Statement Date** 03/04/2014

RICARDO J CASTANEDA  
3616 EAST VITEX CIRCLE  
EL PASO, TX 79936

**STEP 3 Determine reserve requirement - continued**  
**Monthly reserve requirement (.00 divided by 12) \$0.00**

**Potential overage \$0.00**

\* Base amount equals the total of payments anticipated to be paid out of the escrow account during the year but excludes Private Mortgage Insurance (PMI) or MIP amounts.

**STEP 4 Determine monthly payments**  
**Calculation of monthly escrow payment**

Base amount needed for taxes and/or insurance (see Step 1)	\$334.52	
Shortage payment (see Step 2)	26.44	
Reserve requirement (see Step 3)	.00	
<b>Total monthly escrow payment</b>		<b>\$360.96</b>

**Calculation of monthly home loan payment**

Principal and/or interest	\$613.91	
Total monthly escrow payment	360.96	
<b>Total monthly home loan payment effective 05/2014</b>		<b>\$974.87</b>

**If you choose to pay your shortage in full, your payment will be reduced by the shortage amount of \$26.44, leaving you with a payment of \$948.43.**

**LAST YEAR  
IN REVIEW**

**Current analysis compared to previous**

**Monthly amount**

<i>Amount needed for taxes and insurance</i>	<i>Last analysis</i>	<i>This analysis</i>
Homeowners insurance	\$56.80	\$70.23
County taxes	222.86	229.70
FHA MIP	35.38	34.59
Total base escrow payment	\$315.03	\$334.52
Shortage payment	.00	26.44
Reserve requirement	.00	.00
Rounding amount	.00	.00
<b>Monthly escrow payment</b>	<b>315.03</b>	<b>\$360.96</b>
Principal and/or interest	\$613.91	\$613.91
Monthly escrow payment	315.03	360.96
<b>Total payment amount</b>	<b>\$928.94</b>	<b>\$974.87</b>

**Summary of escrow change**

As shown, your base escrow amount increased. Your reserve percentage remained unchanged. Your reserve payment remained unchanged. The result of these factors caused your total escrow payment to increase. Additionally, you were left with a shortage.

A side-by-side comparison of last year's projected escrow account activity and actual activity can be found below.

**Last year's escrow payments**

**If you have recently filed a chapter 13 bankruptcy**, then we have provided below a side-by-side comparison of your prior projected escrow account activity to the actual account activity.

**If this is an annual escrow statement provided during your chapter 13 bankruptcy**, then the projected escrow account activity below was performed in accordance with the terms of your chapter 13 plan. At the same time, we also maintained a separate accounting that reflected your escrow account activity as would be provided under the terms of your loan documents outside of bankruptcy (shown below under the heading "Actual"). The Actual escrow activity includes both the receipt of your regular monthly mortgage payments to escrow and any cure payments made under the terms of your chapter 13 plan for escrow amounts due from the period before your bankruptcy filing or otherwise due under your chapter 13 plan. Below is the side-by-side comparison of the plan projected activity to the actual activity for last year. Upon the completion of your chapter 13 plan, if all payments due under the chapter 13 plan are received and taxes and insurance were paid in the amounts anticipated then the projected and actual ending balances should match. If you are unable to complete your chapter 13 plan payments and your case is dismissed, converted to a chapter 7, or the automatic stay is lifted, then the actual accounting shown below will be used in performing your next escrow analysis.

<b>Projected</b>					<b>Actual</b>				
Date	Activity	Paid in	Paid out	Balance	Date	Activity	Paid in	Paid out	Balance
	Beginning balance			\$1,366.51		Beginning balance			\$275.92
04/02/2013	FHA MIP		35.38	1,331.13	05/03/2013	May Payment	315.03		590.95
05/01/2013	May Payment	315.03		1,646.16	05/06/2013	FHA MIP payment		35.38	555.57
05/02/2013	Homeowners insurance		681.55	964.61	06/04/2013	Jun Payment	315.03		870.60
05/02/2013	FHA MIP		35.38	929.23	06/06/2013	FHA MIP payment		35.38	835.22
06/01/2013	Jun Payment	315.03		1,244.26	07/02/2013	Jul Payment	315.03		1,150.25
06/02/2013	FHA MIP		35.38	1,208.88	07/05/2013	FHA MIP payment		35.38	1,114.87
07/01/2013	Jul Payment	315.03		1,523.91	08/06/2013	FHA MIP payment		69.18	1,045.69
07/02/2013	FHA MIP		35.38	1,488.53	08/06/2013	Aug Payment	315.03		1,360.72
08/01/2013	Aug Payment	315.03		1,803.56	09/04/2013	Sep Payment	315.03		1,675.75
08/02/2013	FHA MIP		35.38	1,768.18	10/04/2013	FHA MIP payment		34.59	1,641.16
09/01/2013	Sep Payment	315.03		2,083.21	10/04/2013	Oct Payment	315.03		1,956.19





**Bank of America****Home Loans**

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**Account Number** [REDACTED]**Statement Date** 03/04/2014

RICARDO J CASTANEDA  
3616 EAST VITEX CIRCLE  
EL PASO, TX 79936

**Projected**

Date	Activity	Paid in	Paid out	Balance
09/02/2013	FHA MIP		35.38	2,047.83
10/01/2013	Oct Payment	315.03		2,362.86
10/02/2013	FHA MIP		35.38	2,327.48
11/01/2013	Nov Payment	315.03		2,642.51
11/02/2013	FHA MIP		35.38	2,607.13
12/01/2013	Dec Payment	315.03		2,922.16
12/02/2013	FHA MIP		35.38	2,886.78
12/02/2013	County taxes		2,674.27	212.51 *
01/01/2014	Jan Payment	315.03		527.54
01/02/2014	FHA MIP		35.38	492.16
02/01/2014	Feb Payment	315.03		807.19
02/02/2014	FHA MIP		35.38	771.81
03/01/2014	Mar Payment	315.03		1,086.84
03/02/2014	FHA MIP		35.38	1,051.46
04/01/2014	Apr Payment	315.03		1,366.49
04/02/2014	FHA MIP		35.38	1,331.11
	Ending balance			\$1,331.11

**Summary of escrow payments and disbursements**

County taxes	2,674.27
Payments	3,780.36
FHA MIP	459.94
Homeowners insurance	681.55

**Actual**

Date	Activity	Paid in	Paid out	Balance
11/04/2013	Nov Payment	315.03		2,271.22
11/06/2013	FHA MIP payment		34.59	2,236.63
11/25/2013	County tax pmt		2,756.40	-519.77 *
12/03/2013	Dec Payment	315.03		-204.74
12/05/2013	FHA MIP payment		34.59	-239.33
01/02/2014	Jan Payment	315.03		75.70
01/07/2014	FHA MIP payment		34.59	41.11
02/04/2014	Feb Payment	315.03		356.14
02/06/2014	FHA MIP payment		34.59	321.55
03/01/2014	FHA MIP		34.59	286.96 P
03/04/2014	Mar Payment	315.03		601.99
03/04/2014	Apr Payment	315.03		917.02 P
03/04/2014	May Payment	315.03		1,232.05 P
04/02/2014	FHA MIP		34.59	1,197.46 P
	Ending balance			\$1,197.46

**Summary of escrow payments and disbursements**

County taxes	2,756.40
Payments	4,095.39
FHA MIP payment	417.45

\* Lowest projected balance

P - The letter (P) beside an amount indicates that the payment or disbursement has not yet occurred but is estimated to occur as shown.

In performing the projection above, Bank of America, N.A. assumed that all regularly scheduled mortgage payments would be made that were due prior to the projection period.

